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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,645

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EXAMINER

WHIPPLE, BRIAN P

ART UNIT

PAPER NUMBER

2452

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,645	<b>Applicant(s)</b> MITCHELL ET AL.	
	<b>Examiner</b> BRIAN P. WHIPPLE	<b>Art Unit</b> 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-27, 29-31, 33-40, 42, 43 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-27, 29-31, 33-40, 42, 43 and 45-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

#### DETAILED ACTION

1. Claims 20-27, 29-31, 33-40, 42-43, and 45-47 are pending in this application and presented for examination.

#### ***Response to Arguments***

2. Applicant's arguments filed 10/22/09 have been fully considered but they are not persuasive.
3. Applicant argues, "Mott shows a VPN gateway shared by two VPN clients such as might reside on individual user devices. It does not show a VPN gateway shared by a plurality of VPNs, i.e. networks."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As shown on page 3 of the previous Office action, applicant's admitted prior art discloses a VPN gateway shared by a plurality of VPNs, i.e. networks (Fig. 2).

4. Applicant argues "Mott's VPN gateway is not serving as a media proxy."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As shown on page 3 of the previous Office action, applicant's admitted prior art discloses a VPN media proxy (Fig. 2; Pg. 3, ln. 25-27) and therefore the combination with the VPN gateway/proxy of Mott would result in the invention as claimed. Furthermore, the term "media proxy" is a broad and relative one that is not further narrowed by the applicant.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the integration of devices/services is suggested by Mott (a proxy service and a VPN gateway). Such integration is known to provide the benefit of reducing necessary configuration of separate devices and therefore reduce the time cost and

monetary cost associated with multiple devices. The scale on which this is applied is unrelated to the motivation for such integration.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20-27, 29-31, 33-40, 42-43, and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art (APA), in view of Mott, U.S. Publication No. 2002/0103931 A1.

8. As to claim 20, APA discloses a communication system (Fig. 2) comprising:  
a plurality of virtual private networks ‘VPNs’ interconnected by a first data network (Fig. 1-2; Pg. 3, ln. 2-4, 7-9, and 31-35);  
a second data network connected to the plurality of VPNs via the first data network (Fig. 2; Pg. 3, ln. 35 – Pg. 4, ln. 1),

the second data network using an Internet Protocol ‘IP’ network addressing scheme that uses different IP addresses to a private IP network addressing scheme used by at least one of said plurality of VPNs (Fig. 2; Pg. 4, ln. 4-8); and

a VPN media proxy directly interfacing the first data network and the second data network thereby connecting the second data network to the plurality of VPNs via the first data network (Fig. 2; Pg. 3, ln. 25-27),

a VPN gateway being shared by said plurality of VPNs and providing a plurality of virtual routing functions (Fig. 2),

respective ones of said plurality of virtual routing functions being connected to respective ones of said plurality of VPNs such that each virtual routing function has an address in a private IP address space of a respective one of said plurality of VPNs (Fig. 2; Pg. 3, ln. 4-7 and 21-23),

wherein the VPN media proxy is configured to pass call bearer packets from a source IP address in said at least one of said plurality of VPNs to a destination IP address in said second data network (Fig. 2; Pg. 3, ln. 35 – Pg. 4, ln. 1; Pg. 4, ln. 4-8),

the VPN media proxy having an IP address translator arranged to translate the destination IP address of the call bearer packets in accordance with the IP network addressing scheme of the second data network (Fig. 2; Pg. 3, ln. 35 – Pg. 4, ln. 1; Pg. 4, ln. 4-8),

and to send the call bearer packets towards the translated IP destination address in the second data network (Fig. 2; Pg. 3, ln. 35 – Pg. 4, ln. 1; Pg. 4, ln. 4-8).

APA is silent on the VPN media proxy integrating the functionality of a VPN gateway with the functionality of a media proxy.

However, Mott discloses a VPN media proxy integrating the functionality of a VPN gateway with the functionality of a media proxy ([0029], [0034]; APA discloses the media proxy and therefore the combination of APA's media proxy with the integration of a proxy into a VPN gateway as disclosed by Mott would result in the claimed invention; furthermore, the term "media proxy" is a broad and relative one that is not further narrowed by the applicant).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of APA in the aforementioned manner as taught by Mott in order to provide a proxy service in a VPN gateway as opposed to necessitating the use of a separate device (thereby avoiding the need to acquire and configure additional hardware).

9. As to claims 30, 39, and 47, the claims are rejected for reasons similar to claim 20 above.

10. As to claim 21, APA discloses the IP address translator is arranged to translate a destination IP address of call bearer packets being transmitted from a source IP address in the second data network to a destination IP address in said at least one of said plurality of VPNs in accordance with the private IP network addressing scheme of said at least one of said plurality of VPNs (Fig. 2; Pg. 3, ln. 35 – Pg. 4, ln. 1; Pg. 4, ln. 4-8),

and to send the call bearer packets towards the translated destination IP address in said at least one of said plurality of VPNs (Fig. 2; Pg. 3, ln. 23-25; Pg. 3, ln. 35 – Pg. 4, ln. 1; Pg. 4, ln. 4-8).

11. As to claims 31 and 40, the claims are rejected for reasons similar to claim 21 above.

12. As to claim 22, APA discloses the first data network is a public data network using a public Internet Protocol 'IP' network addressing scheme (Pg. 1, ln. 16-17 and 19-21; Pg. 3, ln. 7-9),

and the second data network is a carrier data network using a private IP network addressing scheme (Fig. 2; Pg. 4, ln. 4-8).

13. As to claim 34, the claim is rejected for reasons similar to claim 22 above.



14. As to claim 23, APA discloses where more than one of the VPNs uses a private IP network addressing scheme, some of said private IP network addressing schemes have overlapping address ranges (Fig. 2; Pg. 4, ln. 4-8).

15. As to claim 35, the claim is rejected for reasons similar to claim 23 above.

16. As to claims 29, 33, and 42, the claims are rejected for reasons similar to claim 20 above.

17. As to claim 24, APA discloses the carrier data network interfaces the public data network to a switched telephone network 'STN' via a trunk gateway whose carrier data network IP address is the destination address for call bearer packets being transmitted from a source IP address in any of the VPNs to a destination IP address in the carrier data network (Fig. 2; Pg. 3, ln. 35 – Pg. 4, ln. 1; Pg. 4, ln. 4-10).

18. As to claim 36, the claim is rejected for reasons similar to claim 24 above.

19. As to claim 25, APA discloses the STN is a public STN 'PSTN' (Fig. 2, item 20, "PSTN").

20. As to claims 37 and 45, the claims are rejected for reasons similar to claim 25 above.

21. As to claims 26-27, the claims are rejected for reasons similar to claim 20 above.

Additionally, APA discloses VoIP (Pg. 3, ln. 29-31).

22. As to claim 38, the claims are rejected for reasons similar to claims 26-27 above.

23. As to claim 43, the claims are rejected for reasons similar to claims 22, 24, and 26-27 above.

24. As to claim 46, the claim is rejected for reasons similar to claims 20-21 above.

Additionally, APA discloses storing the information related to translated destination and source addresses (Fig. 2; Pg. 3, ln. 23-25; Pg. 3, ln. 35 – Pg. 4, ln. 1; Pg. 4, ln. 4-8); it is inherent that routing tables store addresses for the purposes of routing packets throughout the networks).

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Staples et al., U.S. Publication No. 2002/0118671 A1 discloses the integration of the functions of a proxy server, VPN server, and a telephony gateway on a single host computer ([0433]; [0435]).

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (11:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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